REMARKS

Claims 1 – 15 and 17 – 21 are in the application. Claims 1, 8, 13, 18, and 21 are currently amended; claims 2, 3, 7, 12, 15, and 17 were previously presented; claims 16 is canceled; and claims 4 – 6, 9 – 11, 14, 19, and 20 remain unchanged from the original versions thereof. Claims 1, 8, 13, 18, and 21 are the independent claims herein.

No new matter has been added to the application as a result of the amendments submitted herewith.

Reconsideration and further examination are respectfully requested.

Claim Objections

Claims 1, 8, 13, 18, and 21 were objected to for including the informality of, as included in example claim 1, line 8, "and a current..." instead of "and **based** on a current...". The Final Office Action (FOA) stated that appropriate correction is required.

In reply thereto, claims 1, 8, 13, 18, and 21 are currently submitted for amendment to correct the informality noted by the Office.

Applicant respectfully submits that claims 1, 8, 13, 18, and 21 at least now overcome the objection of record and request the reconsideration and withdrawal of same.

Claim Rejections – 35 USC § 103

Claims 1 – 15 and 17 – 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al., U.S. Patent No. 6,976,055 (hereinafter, Shaffer) in view of Ju et al. U.S. Patent No. 6,744,741 (hereinafter, Ju). This rejection is traversed.

Applicant first notes that claim 1 relates to a method that includes determining, for each of a plurality of media processors under control of a multipoint controller, a number of additional participants that can be supported; and determining one of the plurality of media processors to host the new conference based, at least in part, on the number of additional participants that each of the plurality of media processors can support and based on a current CPU utilization percentage for each of the plurality of media processors. Thus, it is clear that the claimed operation of determining of a number of additional participants that can be supported is done "for *each* of a plurality of media processors under control of a multipoint controller". Additionally, the recited method includes the operation of determining which of the media processors is to host the new conference based, at least in part, on the number of additional participants that *each* of the plurality of media processors can support and based on a current CPU utilization percentage for each of the plurality of media processors. Claims 8, 13, 18, and 21 are, in relevant part, worded similar to claim 1 in that the determining is done relative to *each* of the plurality of media processors.

Applicant notes that the claimed invention determines the number of additional participants that can be supported for *each* of the plurality of media processors since, for instance, the claimed invention determines which one of the plurality of media processors is used to host the new conference call. The claimed invention is used to select the best possible choice of the plurality of media processors, thus the importance of determining the number of additional participants that can be supported for *each* of the plurality of media processors. That is, the best choice cannot be made unless a determination is made for each of the plurality of media processors.

Contrary to Applicant's claims of determining, for each of a plurality of media processors under control of a multipoint controller, a number of additional participants that can be supported, the cited and relied upon Shaffer only discloses whether a media processor can accommodate a conference call. There is no disclosure or suggestion that Shaffer determines if each of the media processors 40 (e.g., 40a, 40b, 40c, etc.) may conduct the conference call. In the discussion and examples provided

by Shaffer, the determination is conducted only to find a suitable media processor. No determination is made for each of the plurality of media processors. Shaffer discloses,

> In one embodiment, media processors 40 in call resources 16 and 18 may conduct a conference call having a maximum of six participants. Clients 22 and 24a may initiate a first conference call on call resource 16. Processing module 50 determines that media processor 40a in call resource 16 may conduct the conference call since the number of participants is below six. If three or less clients on another network coupled to network 20 initiate a second conference call on call resource 16, processing module 50 may direct the conference call to media processor 40a in call resource 16. For example, processing module 50 may determine that media processor 40a in call resource 16 may conduct the second conference call if the first conference call has been in session for a maximum amount of time, e.g., approximately ten minutes, and there is a low probability of expanding the number of participants in the first conference call. Processing module 50, therefore, may provide efficient utilization of media processors 40 in call resources 16 and 18 when multiple conference calls are being conducted over network 20. (emphasis added) (See Schaffer, col. 8, ln. 61 – col. 9, ln 13)

As clearly illustrated by the passage above, Shaffer does not make any determination for each of the plurality of media processors other than 40a, such as 40b and 40c.

Applicant further submits that Shaffer fails to disclose determining one of the plurality of media processors to host the new conference based, at least in part, on the number of additional participants that each of the plurality of media processors can support and based on a current CPU utilization percentage for each of the plurality of media processors since, at least, Shaffer does not determine or consider the number of additional participants that *each* of the plurality of media processors can support.

Applicant further submits that Shaffer appears to teach away from the modification thereof to determine the number of additional participants that each of the plurality of media processors can support since such modification would increase the workload and complexity of Shaffer without any benefit to Shaffer since Shaffer discusses merely needing to find an acceptable media processor in the purported

complete solution to the problem(s) addressed by Shaffer. (See Schaffer, col. 8, ln. 61 – col. 9, ln 13)

Regarding the alleged disclosure of Ju, Applicant respectfully submits that the combination of Shaffer and Ju does not correct or overcome the failure of Shaffer to disclose that for which it was cited and relied upon for disclosing. That is, the combination of Shaffer and Ju fails to disclose or suggest all aspects of the pending claims.

Applicant therefore respectfully submits that claims 1, 8, 13, 18, and 21 are patentable over Schaffer and Ju under 35 USC 103(a). Applicant further submits that claims 2 – 7, 9 – 12, 14, 15, 17, 19, and 20 are also patentable over Schaffer and Ju for at least depending on a patentable base claim.

Accordingly, Applicant requests the reconsideration and withdrawal of the rejection of claims 1 – 15 and 17 – 21 under 35 USC 103(a) and the allowance of same.

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned.

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Respectfully submitted,

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